

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JOHN CARMACK, §  
§  
Plaintiff/Counterclaim-Defendant, §  
§  
v. § CIVIL CASE NO. 3:17-cv-00661-K  
§  
ZENIMAX MEDIA INC., §  
§  
Defendant/Counterclaim-Plaintiff. §

**JOINT MEDIATION REPORT**

Pursuant to the Court's Electronic Order dated July 31, 2017 (ECF No. 49), Plaintiff & Counterclaim-Defendant John Carmack and Defendant & Counterclaim-Plaintiff ZeniMax Media Inc. ("ZeniMax") respectfully report to the Court as follows:

On September 29, 2017, pursuant to this Court's Order, the parties engaged in mediation in Dallas, Texas before the Hon. Jeff Kaplan (Ret.). John Carmack attended the mediation, along with his counsel Richard A. Smith. J. Griffin Lesher, in-house counsel for ZeniMax, and P. Anthony Sammi, Kurt Wm. Hemr, Phillip B. Philbin, and Edward L. Tulin attended on behalf of ZeniMax. Despite the best efforts of the parties and the mediator, the lawsuit was not settled during mediation. The parties will continue discussions and will continue to evaluate prospects for settlement as the case moves towards trial.

Dated: October 4, 2017

/s/ Richard A. Smith (w/ Permission)

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Respectfully submitted,

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